

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boghean (US 651,962).

Boghean teaches a device that is capable of providing external counter pulsation including a semi-circular pushing board b for pressing the body of the patient, a surrounding strip which defines in combination with the semi-circular pushing board an enclosed space into which the body of the patient can be constricted. While Boghean teaches a motor and disc to provide the reciprocating movement, other conventional means to provide the reciprocating movement would have been obvious to one of ordinary skill. Piston and cylinder pneumatic devices are old and well known and would have been an obvious equivalent alternative means for performing the same function. It would have been obvious to one of ordinary skill in the art to modify Boghean to use a conventional piston and cylinder to reciprocate the surrounding strip as an obvious equivalent alternative means for performing the same function.

Regarding claim 9 adding a conventional pulley to change the direction of pulling the surrounding strip is old and well known and would have been obvious wherever desired or required.

Regarding claims 10-12, the specific materials used for the pushing board is well within the realm of the artisan of ordinary skill. Metal, plastic, bamboo and wood are all conventional materials for making the pushing board out of.

Response to Arguments

Applicant's arguments with respect to claims 8-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7 April 2010

/Danton DeMille/

Danton DeMille
Primary Examiner
Art Unit 3771